

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY; WESTERN
WATERSHEDS PROJECT; and
PAT MUNDAY,

Plaintiffs,

v.

DEBRA A. HAALAND, in her
official capacity as Secretary, U.S.
Department of the Interior;
MARTHA WILLIAMS, in her
official capacity as
Director, U.S. Fish and Wildlife
Service; and the U.S. FISH AND
WILDLIFE SERVICE,

Defendants.

Case No. 2:23-cv-00002-BMM

PROPOSED CASE MANAGEMENT
PLAN

Pursuant to this Court's Order dated April 4, 2023, Plaintiffs and Defendants have met and agreed to a Joint Case Management Plan. This matter seeks judicial review of the United States Fish and Wildlife Service's 12-month finding on a petition to list the Arctic grayling as a threatened or endangered species under the Endangered Species Act.

Because this case involves judicial review of a federal agency decision under the Administrative Procedure Act, there will be no discovery, no joinder of parties, no amendment of pleadings, no expert testimony disclosures, no motions to

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Proposed Case Management Plan

dismiss, and no trial date. A preliminary pretrial statement is not appropriate for this case because the matter involves review of an agency decision based on an administrative record. The parties anticipate that this matter will be decided on cross-motions for summary judgment. The parties agree that Local Rule 16.2(b)(3)'s requirement for the filing of a separate Statement of Stipulated Facts may be dispensed with in light of the nature of the case. The parties also agree that the pretrial conference pursuant to Federal Rule of Civil Procedure 16(a) scheduled on May 17, 2023, is unnecessary in this case.

With that in mind, Plaintiffs and Defendants have met and conferred and have agreed to the following proposed schedule:

August 4, 2023:	Deadline for Defendants to lodge the certified record with the Court.
September 22, 2023:	Deadline for any motions objecting to the contents of the record, or seeking to supplement or complete the record, or seeking judicial notice.
October 27, 2023:	Deadline for Plaintiffs' motion for summary judgment.
December 8, 2023:	Deadline for Defendants' combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment.

January 12, 2024: Deadline for Plaintiffs' combined opposition to Defendants' cross-motion for summary judgment and reply in support of Plaintiffs' motion for summary judgment.

February 16, 2024: Deadline for Defendants' reply in support of cross-motion for summary judgment.

This schedule provides the opportunity for a hearing on the cross-motions for summary judgment after February 16, 2024. Plaintiffs anticipate requesting a hearing on their motion for summary judgment. If the Plaintiffs file a motion concerning the administrative record, the remainder of the schedule including briefing on cross-motions for summary judgment, would be stayed until resolution of that motion. The parties will propose a new merits briefing schedule after resolution of any administrative record issues.

Date: May 1, 2023

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